

**DEPARTMENT OF EDUCATION
Montpelier, Vermont**

TEAM: General Support & Monitoring

ITEM: Will the State Board of Education vote to approve the Ed-Flex Waiver request to allow Vermont LEAs to carryover Title I funds in excess of the 15% cap?

RECOMMENDED ACTION: That the State Board of Education vote to approve the Ed-Flex Waiver request to allow all Vermont LEAs to carryover Title I funds in excess of the 15% cap remaining after September 30, 2010.

STATUTORY AUTHORITY:

Ed-Flex Authority via *The Education Flexibility Partnership Act of 1999* – Vermont’s authority under this act is still valid. Also, see Section 1127 (b) of the Elementary and Secondary Education Act, currently authorized as the *No Child Left Behind Act of 2001*. .

BACKGROUND INFORMATION:

For FY10, most Vermont LEAs received an additional Title I allocation under *American Recovery and Readjustment Act* (ARRA). In many cases, this addition sum was almost equivalent to the amount received in each LEA’s regular Title I grant. While this windfall was most welcomed, it arrived after much of the school-year’s planning had culminated.

Title I is subject to the Tydings Amendment under the *General Education Provisions Act* (GEPA), LEAs have 27 months in which to spend the ARRA funds. Therefore, many recipients planned to utilize the extra dollars over at least two school-years. The regular grant, combined with the ARRA portion of the grant is considered one grant. As with all Title I grants, a 15% carryover cap is mandated. However, this cap may be waived by the State Education Agency (SEA) once every three years and more often in extraordinary circumstances. The influx of ARRA has contributed to such an extraordinary circumstance.

Therefore, Title I program staff request a Statewide waiver of the 15% cap on carryover/carry-forward Title I funds remaining after September 30, 2010. Each LEA interested in taking advantage of this proposed Statewide waiver will be required to request same in writing from the SEA. Accessing this waiver by the LEA to allow Title I excess due to the ARRA bonus shall not be counted as the LEA’s allowed waiver of the 15% provision once every three years.

COST IMPLICATIONS:

No cost implication for the Department.

No negative implications anticipated within the LEA

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